
City of Kelowna

MEMORANDUM

DATE: March 4, 2003
FILE: 0910-20-153-004
TO: City Manager
FROM: Director of Finance & Corporate Services
SUBJECT: **PROPERTY EXPROPRIATION - EXPROPRIATION OF A
PORTION OF LOT B, PLAN 2042 - ENTERPRISE/LEATHEAD
ROAD EXTENSION - MONTAGUE HOLDINGS LTD.**

REPORT PREPARED BY: JOHN GRANT PROPERTY OFFICER

RECOMMENDATION:

RESOLUTION Number 1 attached;

RESOLUTION Number 2 attached;

BACKGROUND & COMMENTS:

This is the last step in the last acquisition necessary for the Enterprise/Leathead Road Extension being undertaken jointly by the City and the Ministry of Highways.

C.P. Kraft

JG/cl

Encl.

cc: Deputy Director of Finance

RESOLUTION NUMBER 1

RESOLUTION

BE IT RESOLVED that the Council of the City of Kelowna pursuant to Section 18 of the *Expropriation Act*, R.S.B.C. 1996, c. 125, as the approving authority for the expropriation contemplated in the Expropriation Notice dated February 4, 2003 registered in the Kamloops Land Title Office under number KV15584 does approve the said expropriation;

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to:

- (a) sign and seal the Certificate of Approval in the form attached to this resolution as Schedule A;
- (b) notify or cause to be notified the expropriating authority and each owner of the City's approval of the expropriation;
- (c) make the advance payment to the owner as required under Section 20(1)(d) of the *Expropriation Act* and to serve a copy of the appraisal report(s) on which the advance payment is made and to serve the owner with the Notice of Advance Payment in Form 8;
- (d) file or cause to be filed in the Land Title Office a Vesting Notice under Section 23 of the *Expropriation Act*;
- (e) sign and seal the Notice of Advance Payment and Vesting Notice;

SCHEDULE A

Expropriation Act
Form 5
(Section 18(2))

Certificate of Approval of Expropriation

TO: City of Kelowna
1435 Water Street, Kelowna, BC V1Y 1J4

Montague Holdings Ltd. (Inc. No. 397284)
2700-700 West Georgia Street, Vancouver, BC V7Y 1B8

Inland Natural Gas Co. Ltd., now known as:
BC Gas Utility Ltd. (Inc. No. 368681)
1111 West Georgia Street, Vancouver, BC V6E 4M4

The Royal Trust Company
626 West Pender Street, Vancouver, BC

Business Development Bank of Canada
Main Floor, One Bentall Centre, 505 Burrard Street, Vancouver, BC V7X 1V3

TAKE NOTICE that the City of Kelowna, 1435 Water Street, Kelowna, BC V1Y 1J4 has approved the expropriation contemplated in the Expropriation Notice dated February 4, 2003 registered in the Kamloops Land Title Office under number KV15584 and affecting PID: 011-287-781, That Part Lot B Lying South of the Right of Ways as shown on Plan 2042, District Lot 125, Osoyoos Division Yale District, Plan 2042 except: (1) Part Outlined Red on Plan B5087, (2) Plans 9963, 12572, 20426 and 21777

AND FURTHER TAKE NOTICE that the expropriating authority is required under section 20(1) of the *Expropriation Act*, within 30 days after approval, to pay to an owner the amount the expropriating authority estimates is or will be payable to that owner as compensation, other than for business loss referred to in section 34(3).

DATED at Kelowna, B.C. this _____ day of _____, 2003.

City of Kelowna, 1435 Water Street
Kelowna, B.C. V1Y 1J4, (250) 763-6011

By: _____
CITY CLERK

RESOLUTION NUMBER 2

RESOLUTION

BE IT RESOLVED that the Council of the City of Kelowna pursuant to Section 18 of the *Expropriation Act*, R.S.B.C. 1996, c. 125, as the approving authority for the expropriation contemplated in the Expropriation Notice dated February 4, 2003 registered in the Kamloops Land Title Office under number KV15585 does approve the said expropriation;

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to:

- (a) sign and seal the Certificate of Approval in the form attached to this resolution as Schedule A;
- (b) notify or cause to be notified the expropriating authority and each owner of the City's approval of the expropriation;
- (c) make the advance payment to the owner as required under Section 20(1)(d) of the *Expropriation Act* and to serve a copy of the appraisal report(s) on which the advance payment is made and to serve the owner with the Notice of Advance Payment in Form 8;
- (d) file or cause to be filed in the Land Title Office a Vesting Notice under Section 23 of the *Expropriation Act*;
- (e) sign and seal the Notice of Advance Payment and Vesting Notice.

SCHEDULE A

Expropriation Act
Form 5
(Section 18(2))

Certificate of Approval of Expropriation

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DATED at Kelowna, B.C. this _____ day of _____, 2003.

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Kelowna, B.C. V1Y 1J4, (250) 763-6011

By: _____
CITY CLERK